

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated March 20, 2007 (hereinafter Office Action) have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant maintains the traversal of each of the prior art rejections (§§102(e) and 103(a)) based upon the teachings of U.S. Patent No. 6,862,687 to Suzuki (hereinafter "Suzuki") because Suzuki, alone or modified as asserted, does not teach each of the claimed limitations. More specifically, Suzuki does not teach, at least, selecting one of the predetermined points included in an image by means of a predetermined parameter each time the image is displayed, as claimed. In contrast, Suzuki teaches displaying the same image(s) with the same checking points; however, the image(s) are displayed in a different position on a screen or the display size of the image may be changed. While the point that is touched on the screen changes each time an image is displayed due to the change in the position or size of the displayed image (column 5, lines 48-58) the location of the checking point in the image that is touched does not change. As pointed out previously, the cited portion of Suzuki at column 4, lines 7-8, as well as the discussion in column 5, lines 15-17 and 28-32, teach that the checking points (asserted as corresponding to the claimed predetermined points) and their designation order are determined in advance.

For further illustration, the relied-upon Figure 1B of Suzuki is reproduced below. The figure indicates two checking points 28A and 28B in image 28 displayed on screen 14A. Checking point 28A is located in image 28 at the top right of a mountain, and checking point 28B is located on the right side of the figure located furthest to the right of the mountain.

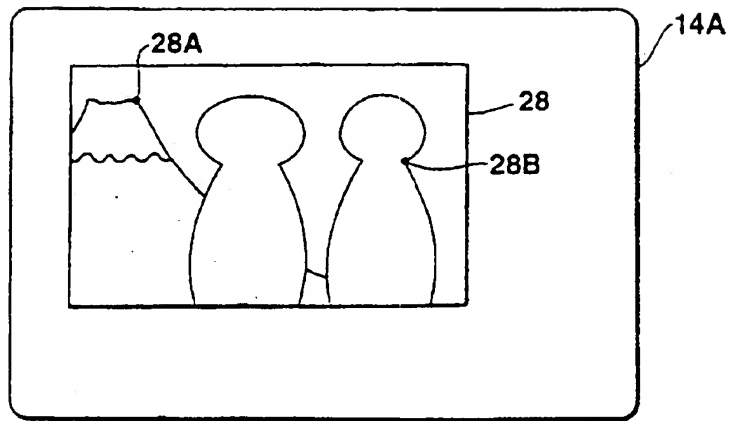


FIG.1B

Suzuki teaches that when image 28 is moved to a different location on screen 14A or is resized, since the checking points are stored beforehand, checking points 28A and 28B will still be located at the top right of the mountain and on the right side of the figure located furthest to the right of the mountain, respectively. Thus, the moving or resizing of image 28 (asserted as corresponding to the claimed predetermined parameter) does not affect the checking points that are selected because the same points in the image (that were stored beforehand) are selected each time the image is displayed. Suzuki does not teach selecting one of the predetermined points included in an image by means of a predetermined parameter each time the image is displayed, as claimed. Without a presentation of correspondence to each of the claimed limitations, the prior art rejections are improper.

With particular respect to the §102(e) rejection, Applicant notes that to anticipate a claim, the asserted reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their

limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. §102. Applicant respectfully submits that the Examiner has not shown that Suzuki teaches every element of independent Claims 1, 13 and 21 and respectfully requests that the rejection be withdrawn.

Applicant further traverses the §102(e) rejection of Claim 13 because the Office Action improperly pieced together portions of different embodiments of Suzuki without showing how those portions work together to arrive at the claimed limitations. For example, the Office Action relies upon a second embodiment of Fig. 5 of Suzuki as teaching the claimed detection means and means for deactivating the device. In addition to the above-discussed requirements set forth in *Richardson v. Suzuki Motor Co.*, MPEP §2131 further states that various portions of a reference cannot be asserted together to anticipate a claim unless the reference arranges the limitations as they are arranged in the claim. As this has not been shown in the Office Action, such piecing together of different embodiments is improper.

Dependent Claims 2-6, 10-12, and 14-20 depend from independent Claims 1 and 13, respectively, and also stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Suzuki. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are also improper for the reasons discussed above in connection with independent Claims 1 and 13. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited reference. Therefore, the rejection of dependent Claims 2-6, 10-12, and 14-20 is improper.

Applicant further traverses the §103(a) rejection of dependent Claim 8 because Suzuki does not teach or suggest the claimed limitations and Suzuki teaches away from the claimed limitations. Claim 8 is directed to the predetermined parameter by which a predetermined point included in an image is selected being a date or a day of the week. While Suzuki's changing of the position or size of an image does not affect the selection of a checking point as discussed above, there is also no indication in Suzuki that the security image is changed based on a date or a day of the week. Rather, Suzuki specifically teaches

that “[i]t is preferred that the display position and display size of the image be changed every time.” As such, every time the image is displayed in a single day, the position and size would be changed. Therefore, Suzuki teaches away from the claimed predetermined parameter being a date or a day of the week because Suzuki teaches that the position and size should be changed more frequently – every time the image is displayed. Thus, the §103(a) rejection of dependent Claim 8 is improper, and Applicant requests that it be withdrawn.

Regarding Claim 9, Applicant further traverses the §103(a) rejection because Suzuki does not teach or suggest the claimed limitations, and the assertion of obviousness is unsupported. Applicant reiterates that the relied-upon portion of Suzuki at column 5, lines 15-33, makes no mention of a user ID registered as the user of a device before the device is transferred to a lock state. Moreover, a word search of Suzuki indicates no mention of an ID, a user ID, or a security person as asserted at pages eight and ten of the Office Action. In addition to Suzuki not teaching or suggesting the limitations of Claim 9, it has not been asserted that such limitations would have been obvious and no evidence has been presented in support of such an assertion. Thus, the §103(a) rejection of dependent Claim 9 is improper, and Applicant requests that it be withdrawn.

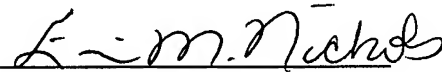
Without acquiescing to characterizations of the asserted art, Applicant’s claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant’s claimed subject matter, and in an effort to facilitate prosecution, Applicant has amended the independent claims to indicate that only one predetermined point is selected by means of a predetermined parameter each time the image is displayed. Support for these changes may be found, for example, in the Specification at paragraphs [0025] and [0028]. While each of the pending claims is believed to be patentable over the asserted reference for the reasons discussed above, these changes are further believed to place each of the claims in condition for allowance because Suzuki does not teach selecting only one predetermined point included in an image by means of a predetermined parameter. Applicant accordingly requests that each of the rejections be withdrawn.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.015.US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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